

Application No. 09/847,009  
Attorney Docket No. 24827A

## **REMARKS**

### **Status of Claims**

Claims 1-22 are pending in the instant application. Claims 1-21 stand finally rejected. Claim 22 has been objected to. Favorable reconsideration is respectfully requested in light of the following remarks.

### **Amendments to the Claims**

Applicants have amended claims 1, 16 and 18 to further clarify that the composition is a “sizing composition consisting essentially of about 35 – 70% by weight of a grafted polyolefin emulsion based on the total weight of the sizing composition”. No new matter has been added and support for the amendment can be found at page 13, paragraph 1 of the specification. Applicants respectfully request that the amendment be entered as the amendment simply clarifies the amount of emulsion in the composition. Further, the “consisting essentially of” language limits components which “may materially change the characteristics of the composition”. This amendment should have been made in the previous response but was inadvertently forgotten. As such, Applicants respectfully request that this amendment be entered.

### **Rejection under 35 U.S.C. § 102(b) and 103(a)**

Claims 1-5, 7, 8, 10, 11, and 13-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Arpin et al. (U.S. Patent No. 5,242,969). Applicants respectfully traverse this rejection in view of the following remarks.

Applicants submit that Arpin et al. do not teach or suggest a sizing composition consisting essentially of about 35 – 70% by weight of a grafted polyolefin emulsion based on the total weight of the sizing composition as claimed in currently amended claims 1, 16 and 18.

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As recited in Arpin, et al., As shown in the following examples, (Example 1-12) the finish composition includes from 2 – 15% by weight of the emulsion, e.g., 2 – 15 % of an emulsion that contains at least one polyolefin, an acid material, a base, and optionally an emulsifying agent. (See, e.g., column 4, lines 36 – 39). Because the finish composition contains only from 2 – 15% by weight of the emulsion and because the finish composition does not contain a grafted polyolefin other than the grafted polyolefin present in the emulsion, the finish composition cannot contain from about 35 – 70% by weight of a grafted polyolefin emulsion based on the total weight of the composition. Therefore, Arpin *et al.* do not teach or suggest a sizing composition consisting essentially of from about 35 – 70% by weight of a grafted polyolefin emulsion based on the total weight of the sizing composition, as presently claimed (claims 1, 16 and 18).

The Examiner states that the coated fiber does not contain any solvent and thus the recited amount of an emulsion has little probative value. Applicants do not claim a coated fiber, Applicants claim a sizing composition. As such, in view of the above remarks, Applicants submit that the claims define over the Arpin *et al.* reference.

In view of the above, Applicants submit that the present invention is not anticipated by Arpin *et al.* and respectfully request that the Examiner reconsider and withdraw this rejection.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1 - 7 and 9 - 21 have been rejected under 35 U.S.C. § 103(a) as being obvious over Arpin *et al.* in view of WO 99/35172 or WO 00/48957.

As stated above, Arpin *et al.* do not teach or suggest Applicants' claimed invention. Therefore, Applicants respectfully submit that the combination of the Examiner's cited references neither teach nor suggest the presently claimed invention. As a result, independent claims 1, 16, and 18, and all claims dependent therefrom, are non-obvious and patentable.

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**Rejection under 35 U.S.C. § 102(a)**

Claims 1-8 and 10-21 have been rejected under 35 U.S.C. § 102(a) as being anticipated by WO 00/48957. Applicants respectfully traverse this rejection in view of the following remarks.

Applicants have amended claims 1, 16 and 18 to contain the “consisting essentially of” language, as mentioned in the previous response, to exclude particularly the addition of a lubricant. The Examiner states that “...applicant has the burden of showing the basic and novel characteristics of his composition – i.e., a showing that the introduction of these components would materially change the characteristics of applicant’s composition.”

Applicants submit that a lubricant, as that which is taught in WO 00/48957, would materially change the characteristics of Applicants’ composition. Applicants claim a “substantially non-discoloring sizing composition”. On page 5, first full paragraph of Applicants’ specification, the problem of discoloration in molded composite products is discussed:

Discolorations in molded composite products, or in the materials used to manufacture molded composite products, may arise from the presence of contaminants in one or more materials that make up the composite formulation, or from the presence of impurities in the ingredients that are used to form fiber-reinforced composites. These discolorations may be caused by oxidative decomposition of unsaturated chemicals, such as fatty unsaturated surfactants and/or lubricants, which are of low thermal stability.

Accordingly, Applicants submit that adding a lubricant to the claimed composition would materially change the characteristics of Applicants’ composition.

In view of the above, Applicants respectfully submit that the present invention is not anticipated by, or obvious over, WO 00/48957 and respectfully request that the Examiner reconsider and withdraw this rejection.

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### CONCLUSION

In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable reconsideration and further examination culminating in a Notice of Allowability.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,



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Date

3/23/04

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